REMARKS/ARGUMENTS

Claims 1 and 3-8 are amended by entry of this response. No claims are canceled or added. Accordingly, following entry of these amendments and remarks, claims 1-10 will remain pending for examination.

Section 102 Rejection of the Claims

Embodiments of the present invention relate to a policy setting support tool. One aspect of the present invention as substantially recited in the independent claims is "an information database containing association information representing the subjects used to access the object". Another aspect of the present invention is "a differential detection unit for detecting differences between installation information and a sample policy."

In the latest office action, the Examiner rejected claims 5-8 as anticipated under 35 U.S.C. §102(e) based upon the U.S. Patent No. 6,678,835 to Shah et al. ("the Shah Patent"). These claim rejections are overcome as follows.

As a threshold matter, the Examiner is respectfully reminded that in order for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. MPEP 706.02. Here, the Shah Patent fails to teach, explicitly or impliedly, "an information database holding for each object, association information representing subjects that are used to access the object."

The Shah Patent relates to policy management of a network. Specifically, the Shah Patent discloses management of network policies based on resource objects:

> All policy management function are preferably implemented in terms of the resource objects which include devices 204, users 206, hosts 208, services 210, and time 220. Thus, a firewall policy may be defined by simply assigning the particular device, users, hosts, services, and time applicable to the policy. (Emphasis added; Col 5, lines 28-31)

Therefore, the Shah Patent performs policy management by simply associating various resources, i.e. devices, users, and hosts with a policy.

By contrast, embodiments of the present invention utilize for each object, association information representing the subject used to access the object (the instant specification refers to the subjects as programs and the objects as files; See **¶[0081]** of the published application). In

other words, for each file of access, information concerning the programs used to access the files are stored in a database. This configuration is not explicitly disclosed by the Shah Patent, since the Shah Patent only references low level elements such as general users and devices. Moreover, the claimed configuration is not implied by the Shah Patent, since the Shah Patent is directed to network management of various websites, and fails to even mention individual file or program access. As such, the Shah Patent does not teach all the elements of the pending claims.

Section 103 Rejection of the Claims

Claims 1-4 stand rejected under 35 U.S.C. §103(a) based upon the Shah Patent in view of U.S. Patent No. 7,006,530 to Spinar et al. ("the Spinar Patent"). These claims rejections are overcome as follows.

As a threshold matter, the Examiner is reminded that in order to establish a prima facie case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (MPEP 2143).

As discussed above, the Shah Patent fails to teach "an information database containing association information representing the subject used to access the object". Additionally, and as acknowledged by the Examiner in the latest office action, the Shah Patent also fails to teach or suggest "a differential detection unit for detecting differences between installation information and a sample policy."

In order to provide this absent teaching, the Examiner has combined the Shah Patent with the Spinar Patent. However, the Spinar Patent fails to provide the teaching that is lacking from the Shah Patent.

The Spinar Patent is directed toward a method and apparatus for allocating bandwidth in a wireless communication system. The Examiner cites col. 36, lines 10-60 of the Spinar Patent as disclosing a differential detecting unit. However, an careful inspection of this cited portion merely reveals a polling policy module that polls active users:

> the polling policy module may establish zero polling for currently active users, may assign users having a range of usage history and QoS needs and guarantees to one or more polling groups to which multicast polls are made on a bandwidth-available basis, and may individually poll users at a periodic rate depending

> substantially on per-user communication parameters, such as recent bandwidth usage, physical connection QoS, number of active connections (for users which are groups or CPEs), and contractual QoS. (Emphasis added; Col 36, lines 34-42)

Polling active users is not tantamount to detecting differences between a sample policy and installation information. Simply put, polling requires monitoring of one element, while detecting differences requires calculating changes between at least two elements. Moreover, the Spinar Patent fails to mention any specific technique of differential detection. Figures 14 and 15, which are illustrative examples of adaptive techniques, simply show different polling states (active polling, fast polling, slow polling). These figures fail to show any type of differential detection. As such, the combination of the Shah Patent with the Spinar Patent fails to teach or suggest all the elements of the claims.

Based upon the failure of the cited art to teach or even suggest each and every element of the independent claims, it is respectfully asserted that these claims cannot be considered anticipated or obvious by the art relied upon by the Examiner. Continued maintenance of the anticipation and obviousness claim rejections is improper, and these claim rejections should be withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

/George B.F. Yee/

George B. F. Yee
Reg. No. 37,478

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400/Fax: 415-576-0300
GBFY:RCA
61142202 v1